

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-cv-00253-FDW
(3:04-cr-00-120-FDW)**

FREDERICK MAURICE BROWN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes now before the Court *sua sponte* in order to address what appears to be a clerical error. On October 27, 2008, the Court granted Petitioner's motion to vacate under 28 U.S.C. § 2255, but only for the limited purpose of allowing him timely to pursue a direct appeal of his underlying criminal case (Doc. No. 8). The Court therefore gave Petitioner ten (10) days from the date of his new Judgement, which was entered on October 27, 2008, within which to file a Notice of Appeal (Doc. No. 9). However, on December 8, 2008, the Court's Order was returned to the Clerk as undeliverable. The Court therefore orders the Clerk of Court to resend the Court's Order (Doc. No. 8), along with this Order, to Petitioner at his location at FCI Petersburg. Petitioner shall have 14 days from the date of this Order, on or before January 20, 2009, within which to file Notice of Appeal.

IT IS SO ORDERED.

Signed: January 7, 2009



Frank D. Whitney
United States District Judge

